

## PATENT COOPERATION TREATY

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference AA432F/JH	<b>FOR FURTHER ACTION</b>		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US99/22842	International filing date (day/month/year) 01/10/1999	Priority date (day/month/year) 19/05/1999	
International Patent Classification (IPC) or national classification and IPC A61L15/34			
Applicant THE PROCTER & GAMBLE COMPANY et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

Date of submission of the demand 13/11/2000	Date of completion of this report 10.09.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Hornich, E Telephone No. +49 89 2399 8721



# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/22842

## I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):  
**Description, pages:**

1-64 as originally filed

### Claims, No.:

1-10 as originally filed

### Drawings, sheets:

1/5-5/5 as originally filed

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description,        pages:
- the claims,        Nos.:

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the drawings, sheets:

5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)): *(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

**1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:**

the entire international application.

claims Nos. 4.

because:

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 4 are so unclear that no meaningful opinion could be formed (specify):  
**see separate sheet**

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

the written form has not been furnished or does not comply with the standard.

the computer readable form has not been furnished or does not comply with the standard.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement**

1. Statement

Novelty (N)

Yes: Claims

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No: Claims 1-3, 5-10

Inventive step (IS) Yes: Claims  
No: Claims

Industrial applicability (IA) Yes: Claims 1-10  
No: Claims

2. Citations and explanations  
**see separate sheet**

**VI. Certain documents cited**

1. Certain published documents (Rule 70.10)

and / or

2. Non-written disclosures (Rule 70.9)

**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

### SECTION III

1. Claim 4 of the present application lacks clarity in the sense of **Art. 6 PCT**, as it contains subject-matter which is defined by a *result to be achieved*. According to **Art. 6 and Rule 6.3 b)i), ii) PCT**, a claim should be clear and concise and define the matter for which protection is sought in terms of the technical features of the invention.

### SECTION V

2. Reference is made to the following documents:

**D1:** WO 99 12530 A  
**D2:** WO 99 12583 A  
**D3:** WO 99 22684 A

3. Novelty (Art. 33(2) PCT)

3.1 Document **D1** describes absorbent articles (comprising a topsheet, a backsheet and an absorbent core there between) being provided with a skin care composition which is *nonuniformly applied* (regions with greater or less amounts of composition (gradients!) or no composition --> *lower average basis weight zones*, e.g. *acquisition zones* - *crotch region*!) in order to benefit from the skin care properties of the composition while adequately maintaining the fluid handling properties of the article. The article may comprise three regions, furthermore side panels (*flaps*), each region may have the skin care composition in adequate amounts (ranges are given).

(see: abstract; p. 7, paragraphs 2 + 3; p. 19, paragraph 2; p. 22, paragraph 2; p. 23, l. 3-5; p. 26, l. 9-14; p. 29, l. 4; p. 31, paragraph 2; p. 32, paragraphs 1 + 3; p. 33, paragraph 3; p. 34, paragraph 3; fig.; claims 1, 5, 18-23, 25-28 ..).

As **D1** already discloses basically the same absorbent articles as described within the present application (the '*acquisition zone*' and the '*skin care zone*' are characterized

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by greater or less amounts of skin care composition and thus implicitly disclosed within D1), claims 1-3 and 5-10 of the present application **cannot be considered novel**.

3.2 D2 and D3 involve basically the same disclosure, being thus likewise **prejudicial to the novelty** of the present application.

see D2: abstract; p. 7, last paragraph - p. 8, l. 7; p. 24, paragraph 2; p. 33, last paragraph; p. 34, paragraph 3; p. 35, paragraphs 1 + 3; p. 36, paragraphs 2 + 3; fig.; claims 1, 17, 21, 22.

see D3: abstract; p. 5, l. 3-18; p. 8, l. 29/30; p. 11, l. 8; p. 12, l. 1-26; p. 13, l. 6-8; p. 14, l. 7/8 and 12-14; p. 19, l. 7/8; p. 20, l. 3-12; p. 26, l. 24f. and 30; p. 29., l. 26-35; p. 31, l. 32f., p. 32, l. 11-37; p. 34, l. 1-21; p. 38, l. 25-33; p. 52, l. 10-12; p. 54, l. 10-30, fig.).

4. Industrial Applicability (Art. 33(4) PCT)

The requirements of industrial applicability are fulfilled for claims 1-10.

**SECTION VI**

5. Certain published documents (Rule 70.10)

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
WO 99/25287 (D4)	27/05/99	14/11/97	

**SECTION VIII**

6. The description on p. 27, l. 22, refers to 'fig. 12' which is not part of the present application.

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EE	Estonia						

# INTERNATIONAL SEARCH REPORT

on Application No

PCT/US 99/22842

**A. CLASSIFICATION OF SUBJECT MATTER**  
 IPC 7 A61L15/34 A61F13/15

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)  
 IPC 7 A61L A61F A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 99 12583 A (PROCTER & GAMBLE) 18 March 1999 (1999-03-18) page 34, line 13 -page 36, line 12 examples 1,2 claims ---	1-10
X	WO 99 22684 A (PROCTER & GAMBLE) 14 May 1999 (1999-05-14) page 34, line 1 - line 28 examples figure 12 claims --- -/-	1-10

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

17 January 2000

Date of mailing of the international search report

24/01/2000

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## INTERNATIONAL SEARCH REPORT

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 99 12530 A (PROCTER & GAMBLE) 18 March 1999 (1999-03-18) cited in the application page 32, line 21 - page 34, line 14 examples claims ---	1-10
A	DE 33 09 530 C (LEITNER N ET AL) 25 October 1984 (1984-10-25) page 3, line 53 - line 56 claims ---	1-5
P, X	WO 99 25287 A (BAST TIM ; LANKHOF JOHN PETER (DE); PROCTER & GAMBLE (US)) 27 May 1999 (1999-05-27) page 16, line 21 - line 22 examples figure 1 claims -----	1-10

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

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Patent document cited in search report	Publication date	Patent family member(s)		Publication date
WO 9912583	A 18-03-1999	AU	9227198 A	29-03-1999
WO 9922684	A 14-05-1999	AU	9809198 A	24-05-1999
WO 9912530	A 18-03-1999	AU	9227398 A	29-03-1999
DE 3309530	C 25-10-1984	NONE		
WO 9925287	A 27-05-1999	AU	2704499 A	07-06-1999